

TOWN CLERK

EASTCHESTER ZONING BOARD OF APPEALS
TOWN OF EASTCHESTER

2019 MAY 13 PM 3 45

TRANSCRIPT OF
EASTCHESTER ZONING BOARD OF APPEALS
APRIL 9, 2019

HELD AT: Eastchester Town Hall
40 Mill Road
Eastchester, New York 10709
7:00 p.m.

B E F O R E :

ALAN PILLA, CHAIRMAN
MICHAEL CAHALIN, MEMBER
PETER NURZIA, MEMBER

P R E S E N T :

MARGARET UHLE, DIRECTOR OF PLANNING
JAY KING, BUILDING INSPECTOR

MAY 13 2019

Dina M. Morgan
25 Colonial Road
Bronxville, New York 10708
914-469-6353

RECEIVED

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 4/9/19

which I do before every meeting.

Firstly, the meeting will be conducted under Robert's Rules of Parliamentary order.

Secondly, because we have a four member board, matters that are on for resolution -- and there are three now, one has been adjourned -- but matters that are on for resolution, the applicant has a choice whether they would like their matter to be resolved tonight because it would require a four/nothing or three to one vote; a two/two would be the equivalent of a denial.

There are two new business matters on tonight. I'll ask the applicants, firstly, to let me know they're ready to proceed, and also to let the applicants know that those matters are not going to be decided tonight. For anyone at home who's considering an application, as printed on the terms and conditions portion of the application packet, matters that are on first time are not decided upon. They're reviewed and deliberated. So the earliest a matter on tonight would be decided would be May. That's significant

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 4/9/19

THE CHAIRMAN: Good evening, and welcome to the Town of Eastchester Zoning Board of Appeals meeting for April 9th, 2019.

We start our -- what did I do?

MS. UHLE: We're looking for a flag.

THE CHAIRMAN: I was wondering why you were shaking your head.

MR. DE MARCO: You can't have the Pledge without a flag.

THE CHAIRMAN: We always start our meetings with the Pledge of Allegiance. There was a flag behind me last time we were here. We'll have to pretend and point in the area where we're going. Everyone rise and do the Pledge of Allegiance any way. Is there a protocol on the Pledge of Allegiance?

MALE SPEAKER: There's a flag on the seal.

THE CHAIRMAN: Fair enough. Thank you.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: While everyone is getting settled, I'll go over the ground rules,

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 4/9/19

because anyone contemplating, let's say, a project for the summer, would have to have their application in May because anything in May would be decided earliest by June. Our calendar is printed and it's online and available. We meet nine times a year, generally the second Tuesday of every month, excepting for July, August, and December.

So let me get to the items on for resolution. The first is 18-45, 20 Nelson Road, that has been adjourned at the direction of the applicant.

Number 2, 18-52, 74 Hutchison Boulevard.

MS. UHLE: The architect indicated to me earlier today they would like to proceed.

THE CHAIRMAN: So that will proceed to resolution based upon the architect's representation.

Number 3, 18-55, this is Anderson Avenue; is the applicant here?

APPLICANT: Yes.

THE CHAIRMAN: Ready to proceed to resolution?

DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 4/9/19
 2 APPLICANT: Yes.
 3 THE CHAIRMAN: Thank you. Number 4,
 4 195 Beech Street.
 5 APPLICANT: Ready to proceed.
 6 THE CHAIRMAN: Ready to proceed.
 7 Okay.
 8 Items of new business, Number 5,
 9 19-40, this is California road; is the
 10 applicant here?
 11 APPLICANT: Yes.
 12 THE CHAIRMAN: Ready to proceed?
 13 APPLICANT: Yes.
 14 THE CHAIRMAN: Okay. Number 6, 19-11,
 15 118 Siwanoy Boulevard; Mr. Iannacito, are you
 16 ready to proceed?
 17 MR. IANNACITO: Yes.
 18 THE CHAIRMAN: There is adjourned item
 19 that 18-44, Joyce Road, that's been adjourned
 20 to the May 14th meeting.
 21 Okay. So on for resolutions -- again,
 22 we've adjourned 18-45, 20 Nelson Road.
 23 Number 2, this is Application 18-52,
 24 74 Hutchison Boulevard. I make a motion to
 25 adopt a resolution approving this application;
DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 4/9/19
 2 is there a second to my motion?
 3 MR. CAHALIN: Second.
 4 THE CHAIRMAN: Mr. Cahalin. Now to
 5 the vote: Mr. Cahalin.
 6 MR. CAHALIN: Yes.
 7 THE CHAIRMAN: Mr. Nurzia.
 8 MR. NURZIA: Yes.
 9 THE CHAIRMAN: Mr. DeMarco.
 10 MR. DE MARCO: Yes.
 11 THE CHAIRMAN: I vote yes. The
 12 application has been approved four to zero.
 13 Number 3, 18-53, 141 Anderson Avenue.
 14 I make a motion to adopt a resolution approving
 15 Application 18-53, 141 Anderson Avenue; is
 16 there a second to my motion?
 17 MR. DE MARCO: Second.
 18 THE CHAIRMAN: Mr. DeMarco. To the
 19 vote: Mr. Cahalin.
 20 MR. CAHALIN: Yes.
 21 THE CHAIRMAN: Mr. Nurzia.
 22 MR. NURZIA: Yes.
 23 THE CHAIRMAN: Mr. DeMarco.
 24 MR. DE MARCO: Yes.
 25 THE CHAIRMAN: I vote yes. The
DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 4/9/19
 2 application has been approved four/nothing.
 3 Goodnight.
 4 This is Application 18-55, 195 Beech
 5 Street. I make a motion to adopt a resolution
 6 approving Application 18-55, 195 Beech Street;
 7 is there a second to my motion?
 8 MR. CAHALIN: I'll second.
 9 THE CHAIRMAN: Mr. Cahalin. To the
 10 vote: Mr. Cahalin.
 11 MR. CAHALIN: Yes.
 12 THE CHAIRMAN: Mr. Nurzia.
 13 MR. NURZIA: Yes.
 14 THE CHAIRMAN: Mr. DeMarco.
 15 MR. DE MARCO: Yes.
 16 THE CHAIRMAN: I vote yes. That's
 17 been approved four/nothing.
 18 New business. Item number 5, 19-01,
 19 454 California Road. If the applicant would
 20 like to come forward and proceed.
 21 While you're getting settled, this is
 22 an area variance. Just to let the viewing
 23 public be made away, there is a nuance to this
 24 application, that the application had actually
 25 been approved back in 2017.
DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 4/9/19
 2 If the applicant would like to
 3 proceed. Just to let new applicants know,
 4 which I do before every meeting, you do not
 5 need to read your entire application. Your
 6 entire application, including all exhibits have
 7 been made a public record. You could, if you
 8 would like, read it. It won't help your
 9 application, it won't hurt your application.
 10 Having said that, you may proceed.
 11 APPLICANT: Basically, we're trying to
 12 get the application renewed again because it
 13 had been approved, and then through my fault
 14 and nobody else's fault, it expired before we
 15 started the work. What happened in the
 16 meantime, I did get the trees in the back that
 17 had to be put up, those were done, and now we
 18 can go forward with the application.
 19 THE CHAIRMAN: So at this point we
 20 usually reserve time for the board to ask any
 21 questions, and then they'll be a motion to see
 22 if the public will be heard on this.
 23 So any questions, Mr. Cahalin.
 24 MR. CAHALIN: None.
 25 THE CHAIRMAN: Mr. Nurzia?
DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 4/9/19
 2 MR. NURZIA: No.
 3 THE CHAIRMAN: Mr. DeMarco?
 4 MR. DE MARCO: No questions.
 5 THE CHAIRMAN: I have no questions. I
 6 make a motion to open this to a public hearing;
 7 is there a second?
 8 MR. CAHALIN: Second.
 9 THE CHAIRMAN: Mr. Cahalin. All in
 10 favor.
 11 (All aye.)
 12 THE CHAIRMAN: Would anybody like to
 13 be heard?
 14 (No comments.)
 15 THE CHAIRMAN: See no one, I make a
 16 motion to close the public hearing on this
 17 matter.
 18 MR. CAHALIN: Second that.
 19 THE CHAIRMAN: Mr. Cahalin, second.
 20 All in favor.
 21 (All aye.)
 22 THE CHAIRMAN: Mr. Ottomanelli, I'm
 23 bound to ask the board if they have any
 24 comments or questions further, but I'll just
 25 start with the fact that you had met your

DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 4/9/19
 2 burden on the five part test back in the day.
 3 To my reading, there are no variations in this
 4 application, other than the fact that you've
 5 complied with the conditions; is that correct?
 6 APPLICANT: Right. Right.
 7 THE CHAIRMAN: Again, I have nothing
 8 further. Mr. Cahalin?
 9 MR. CAHALIN: No.
 10 THE CHAIRMAN: Mr. Nurzia?
 11 MR. NURZIA: No.
 12 THE CHAIRMAN: Mr. DeMarco?
 13 MR. DE MARCO: Nothing.
 14 THE CHAIRMAN: I make a motion for a
 15 resolution at the next meeting on this
 16 application; is there a second to my motion?
 17 MR. CAHALIN: I'll second that.
 18 THE CHAIRMAN: Mr. Cahalin. All in
 19 favor.
 20 (All aye.)
 21 APPLICANT: Thank you.
 22 THE CHAIRMAN: Have a good night.
 23 Okay. Item 6 on our agenda, this is
 24 19-41, 118 Siwanoy Boulevard. While you're
 25 setting up, this is an area variance to

DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 4/9/19
 2 construct a two story addition. Name and
 3 address -- we all know who you are but state
 4 your name and address any way for the record
 5 and proceed.
 6 MR. IANNACITO: Good evening. My name
 7 is John Iannacito, I'm an architect, and I'm
 8 representing Mr. and Mrs. Yaghoubi this
 9 evening, the owners of the subject property,
 10 and he is with me this evening. We are
 11 proposing additions and alterations to the
 12 existing single family residence located at 118
 13 Siwanoy Boulevard.
 14 The scope of work will include the
 15 removal of a one story garage and the
 16 construction of a two story addition at the
 17 side yard, which is highlighted here on the
 18 site plan. We are requesting an area variance
 19 for a side yard setback. The proposed side
 20 yard setback is 4 feet, the required is 8 feet,
 21 a deficiency of 4 feet or 50 percent. The
 22 proposed garage will be constructed in the same
 23 location as the existing garage. It will also
 24 replace an existing outdoor parking space at
 25 the side yard. The requested variance is

DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 4/9/19
 2 required to provide adequate space for a two
 3 car garage, the width for two vehicles. The
 4 addition will comply with all other zoning
 5 requirements.
 6 The proposed addition is similar to
 7 other homes in the neighborhood and will not
 8 have any adverse effect on the rest of the
 9 neighborhood.
 10 I'll quickly go through the floor
 11 plans.
 12 THE CHAIRMAN: Please.
 13 MR. IANNACITO: Here we have the first
 14 floor plan; two car garage and a laundry room
 15 and exercise room at the rear. Second story
 16 will have a new master suite, bathroom, two
 17 closets, and a bedroom.
 18 Here's the front elevation. Two story
 19 addition, garage in the lower level and bedroom
 20 at the upper level. Two story addition at the
 21 side, two story addition as seen from the rear
 22 is here, and the right side.
 23 Thank you for your time, and I'm happy
 24 to answer any questions you have.
 25 THE CHAIRMAN: Thank you, Mr.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 4/9/19

1 Iannacito. I'll go to the Board with any
2 questions; Mr. Cahalin?

3 MR. CAHALIN: None.

4 THE CHAIRMAN: Mr. Nurzia?

5 MR. NURZIA: No questions or comments.

6 THE CHAIRMAN: Mr. DeMarco?

7 MR. DE MARCO: No questions.

8 THE CHAIRMAN: I don't either. I have
9 a motion to open this matter to the public for
10 a public hearing; do I have a second to my
11 motion?
12

13 MR. CAHALIN: Second.

14 THE CHAIRMAN: Mr. Cahalin. All in
15 favor.

16 (All aye.)

17 THE CHAIRMAN: Would anyone like to be
18 heard on this application?

19 (No comments.)

20 THE CHAIRMAN: Seeing no one, I make a
21 motion to close the public hearing on this
22 matter; is there a second?

23 MR. CAHALIN: I'll second that.

24 THE CHAIRMAN: Mr. Cahalin. All in
25 favor.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 4/9/19

1 (All aye.)

2 THE CHAIRMAN: As I said on the
3 earlier application, I have an obligation so I
4 will ask: Mr. Cahalin, do you have any
5 questions or comments?

6 MR. CAHALIN: Mr. Iannacito confirmed
7 that he bumped this wall out for the two car
8 garage. That's what I saw it on the plans. I
9 glad you mentioned that.

10 THE CHAIRMAN: Mr. Nurzia, anything?

11 MR. NURZIA: No.

12 THE CHAIRMAN: Mr. DeMarco?

13 MR. DE MARCO: No.

14 THE CHAIRMAN: I have just one
15 comment, that is you seem to have addressed the
16 five part test, and it's fairly straightforward
17 application.

18 I make a motion to adjourn this matter
19 for a resolution at the next meeting; is there
20 a second?

21 MR. CAHALIN: I'll second.

22 THE CHAIRMAN: Mr. Cahalin. All in
23 favor.

24 (All aye.)

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 4/9/19

1 THE CHAIRMAN: Thank you for your
2 presentation.

3 MR. IANNACITO: Thank you.

4 THE CHAIRMAN: I make a motion to
5 adjourn the April meeting; is there a second to
6 my motion?
7

8 MR. CAHALIN: Second.

9 THE CHAIRMAN: Mr. Cahalin. All in
10 favor.

11 (All aye.)

12 THE CHAIRMAN: Thank you.

13

14 (MEETING ADJOURNED.)

15

16

17

18

19

20

21

22

23

24

25

DINA M. MORGAN, REPORTER

CERTIFICATION

1 STATE OF NEW YORK)

2) Ss.

3 COUNTY OF WESTCHESTER)

4
5 I, DINA M. MORGAN, Court Reporter and
6 Notary Public within and for the County of
7 Westchester, State of New York, do hereby
8 certify:

9 That the above transcript was taken from
10 a videotape of the actual hearing. I was not
11 present for such hearing. The videotape was
12 taken and transcribed by me to the best of my
13 ability.

14 And, I further certify that I am not
15 related to any of the parties to this action by
16 blood or marriage, and that I am in no way
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 13th day of May, 2019.
20

21

22

23

Dina M. Morgan

DINA M. MORGAN
Court Reporter
DINA M. MORGAN, REPORTER

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

CORRECTION SHEET

PAGE CORRECTION

DINA M. MORGAN, REPORTER